

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PRESTON CATCHINGS,
Plaintiff

vs.

LT. STATES, et al.,
Defendants.

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C.A. No. 04-353 Erie
District Judge McLaughlin
Magistrate Judge Baxter

ORDER

Defendants filed a motion for summary judgment on May 24, 2005, arguing that this case should be dismissed due to Plaintiff's failure to exhaust in accordance with the Prison Litigation Reform Act. Document # 12. In his Opposition Brief, Plaintiff argues that he was not able to exhaust his administrative remedies because he was transferred to another institution on March 14, 2005. Document # 13.

Therefore, and in light of Brown v. Croak, 312 F.3d 109 (3d Cir. 2002),

IT IS HEREBY ORDERED that Defendants file a Reply Brief addressing Plaintiff's Opposition Brief before September 26, 2005. No extensions of time will be granted.

S/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
CHIEF UNITED STATES MAGISTRATE JUDGE

Dated: September 12, 2005